

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

FREDERICK BANKS,)	
)	
Plaintiff,)	Civil Action No. 15-1584
)	
v.)	Judge Cathy Bissoon
)	Magistrate Judge Lisa Pupo Lenihan
BRIAN BABCOCK, <i>et.al.</i> ,)	
)	
)	
Defendants.)	

MEMORANDUM ORDER

This case was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Local Rule of Civil Procedure 72.

On December 9, 2015, the Magistrate Judge issued a Report (Doc. 2) recommending that Frederick Banks's ("Plaintiff") Motion for Leave to Proceed in Forma Pauperis be dismissed pursuant to the "three strikes rule" of 28 U.S.C. § 1915(g) and as in violation of Judge Nora Barry Fischer's Court Order in Civil Action No. 13-1198 (Doc. 10). Service of the Report and Recommendation was made on the parties, and no objections have been filed.

After a review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

Petitioner's Motion for Leave to Proceed in Forma Pauperis (**Doc. 1**) is **DENIED**, and this action is dismissed without prejudice to Plaintiff's right to reopen it by paying the full \$400.00 filing fee. The Report and Recommendation of the Magistrate Judge, dated December 9, 2015, hereby is adopted as the Opinion of the District Court.

IT IS SO ORDERED.

January 4, 2016

s/Cathy Bissoon
Cathy Bissoon
United States District Judge

cc (via ECF email notification):

All counsel of record

cc (via First-Class U.S. Mail):

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